

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

---

ANTONIO AVILES, JR.,

Plaintiff,

v.

ARVEST CENTRAL MORTGAGE CO.,

*et al.*,

Defendants.

---

Civil Action No.: 23-0939-LKG

Dated: October 2, 2023

**MEMORANDUM OPINION**

By Order entered July 11, 2023, Plaintiff Antonio Aviles, Jr. was afforded an opportunity to amend his complaint. ECF No. 5. Plaintiff was advised that in his amended complaint he must comply with the Federal Rules of Civil Procedure pertaining to basic pleading requirements. *Id.* Plaintiff was provided with a copy of the Court's civil complaint form to complete and file as his amended complaint. *Id.* Plaintiff has not filed an amended complaint as directed and his time to do so has expired.

On August 15, 2023, Plaintiff filed a document titled "Declaratory Judgment that the Recission was Done." ECF No. 6. This document cannot be construed as an amended complaint. Similar to the initial complaint in both title and content, it does not contain any alleged facts, and is a nonsensical compilation of legal citations on various matters. *Id.* It remains unclear what action Plaintiff intends to pursue, and how he believes the Defendants are liable for any harm he may have suffered. The statements presented do not allege any discernable facts.


This Court is mindful of its obligation to liberally construe the pleadings of self-represented litigants. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007). Nonetheless, liberal construction does not mean that this Court can ignore a clear failure in the pleadings to allege facts which set forth a cognizable claim. *See Weller v. Dep't of Soc. Servs.*, 901 F.2d 387 (4th Cir. 1990); *see also Beaudett v. City of Hampton*, 775 F.2d 1274, 1278 (4th Cir. 1985) (stating a district court may not "conjure up questions never squarely presented"). "Frivolous complaints are subject to dismissal pursuant to the court's inherent authority, even when the plaintiff has paid the filing fee." *Smith*

*v. Kagan*, 616 F.App'x 90 (4th Cir. 2015); *see Chong Su Yi v. Soc. Sec. Admin.*, 554 F. App'x 247, 248 (4th Cir. 2014) (same); *Ross v. Baron*, 493 F. App'x 405, 406 (4th Cir. 2012) (same).

Even reading the pleadings with deference to Plaintiff, no plausible basis for any cause of action can be found. Accordingly, the Complaint will be dismissed. A separate Order follows.

10-2-2023

Date



LYDIA KAY GRIGGSBY  
United States District Judge